

## **REMARKS**

### **I. PRELIMINARY REMARKS**

Claim 13 has been amended. No claims have been canceled. Claims 19-31 have been added. Claims 13-31 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Although the presence of claim 18 was acknowledged at the top of page 2 of the Office Action, no prior art rejection was applied to claim 18. Accordingly, applicant has assumed for the purposes of this response that claim 18 is in condition for allowance. Should applicant's assumption be incorrect, applicant hereby request that the status of claim 18 be clarified in a supplemental Office Action.

### **II. PRIOR ART REJECTIONS**

#### **A. The Rejections**

Claims 13, 15 and 16 have been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of U.S. Patent No. 6,874,432 to Lanphear ("the Lanphear patent") and U.S. Patent No. 5,427,337 to Biggs ("the Biggs patent"). Claims 14 and 17 have been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Lanphear patent, the Biggs patent and U.S. Patent No. 5,179,745 to Hebert ("the Hebert patent"). The rejections under 35 U.S.C. § 103 are respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

#### **B. The Cited References**

The Lanphear patent is directed to a vertically adjustable table that may be used as a welding table, or as a portable inspection station, in a machine shop. [Column 3,

lines 14-22.] The Lanphear adjustable table may also be used in offices and restaurants. The adjustable table includes an H-shaped base frame 12, a slider frame 14, a lifting mechanism 16, and a tabletop 18. But for the holes that are used when the tabletop 18 is secured to the slider assembly 14, the top and bottom surfaces of the tabletop are smooth and free of discontinuities. The Lanphear patent also goes to great lengths to emphasize that the purpose of the frame and lifting mechanism arrangement disclosed therein is to maximize the usable area under the tabletop 18 for storage purposes and facilitate access thereto. [Column 1, 21-23 and 32-36; column 5, lines 3-6, 15-18, 42-46; column 6, lines 17-19; and column 7, lines 41-45.]

The Biggs patent is directed to a dual drive mechanism for medical/dental chairs. The chair includes a base 80 that is separable into two parts 82 and 84 that appear to be slidable relative to one another. [Figure 1.]

The Hebert patent discloses a convertible wheel chair with removable handles 90 and 92.

### C. Discussion Concerning Claims 13-17

Independent claim 13 calls for a combination of elements including, *inter alia*, “a base having a **recessed portion**,” “a platform” and “**a jack mounted to the recessed portion** of said base and below said platform, extending between them so as to enable and power the selective raising or lowering of the platform relative to the base.” The inventions defined by claim 14-17 include, *inter alia*, the elements recited in claim 13. Applicant respectfully submits that the cited references fail to teach or suggest such combinations.

For example, the Lanphear base frame 12 does not include a recess and, accordingly, the lifting mechanism 16 is not mounted in a recess. The Biggs and Herbert patents fail to remedy this deficiency. Moreover, given the fact that adding such a recess to the Lanphear table would lower the tabletop 18 and reduce the volume of the storage area under the tabletop 18, one of ordinary skill in the art would not have been motivated to make such a modification. As noted by the Federal Circuit and PTO Board of Appeals,

it simply is not obvious to modify a prior art apparatus in such a manner that it will not function in its intended manner. See *In re Gordon*, 221 USPQ 1125, 1127 (Fed. Cir. 1984) and *Ex Parte Weber*, 154 USPQ 491, 492 (Pat. Off. Bd. Ap. 1967).

As the combined teachings of the Lanphear, Biggs and Herbert patents fail to suggest the combination of elements recited in independent claim 13, applicant respectfully submits that the rejection of claim 13-17 under 35 U.S.C. § 103 should be withdrawn.

### III. NEWLY PRESENTED CLAIMS 19-31

Newly presented independent claim 19 calls for a transporter including, *inter alia*, “a base,” “a plurality of wheels,” “a laterally extending platform,” “a jack, mounted between the base and the platform, adapted to move the platform upwardly and downwardly relative to the base,” and “a telescoping enclosure including a first member extending upwardly from the base and defining a first member perimeter that extends around the jack, and a second member extending downwardly from the platform over the first member and defining a second member perimeter that extends around the first member.” The references applied in the Office Action fail to teach or suggest such a combination. For example, the Lanphear patent fails to teach or suggest the claimed telescoping enclosure and, in view of the fact that the Lanphear patent goes to great lengths to emphasize that the purpose of the Lanphear frame and lifting mechanism arrangement is to maximize the usable storage area under the tabletop 18, a skilled artisan would not have been motivated by the Biggs and/or Herbert patents to add something (i.e. a telescoping enclosure) that would substantially limit the storage area under the tabletop 18. Applicant respectfully submits, therefore, that claims 19-25 are patentable thereover.

Newly presented independent claim 26 calls for a transporter including, *inter alia*, “a base,” “a plurality of wheels associated with the base such that the base may be moved in any lateral direction,” “a laterally extending platform having an upper surface, a lower surface and side edges,” “first and second platform surface discontinuities

defined by at least one of the upper and lower surfaces at least substantially adjacent to opposing side edges of the platform and configured to held by a human hand” and “a jack, mounted between the base and the platform, adapted to move the platform upwardly and downwardly relative to the base.” The references applied in the Office Action fail to teach or suggest such a combination. For example, the Lanphear table is intended to be used as a welding table, a portable inspection station, or an office or restaurant table, ***not as device on which a person sits***. Thus, there would have been no reason whatsoever to add “first and second platform surface discontinuities ... configured to held by a human hand” to the Lanphear tabletop 18. Applicant respectfully submits, therefore, that claims 26-31 are patentable thereover.

#### IV. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

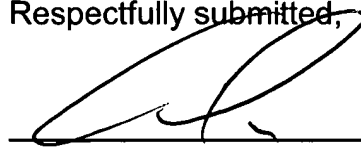
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such

fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

8/16/05  
Date

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Respectfully submitted,

  
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